

# **THE KENTUCKY BOARD OF LICENSURE FOR PRIVATE INVESTIGATORS**

**November 1, 2007**

A regular Board Meeting of the Kentucky Board of Licensure for Private Investigators was held at the Board offices, Division of Occupations and Professions, 911 Leawood Drive, Frankfort, KY on Thursday November 1, 2007.

## **MEMBERS PRESENT**

Rick Hessig, Chairman  
Roger McDonald  
Jim Ringo  
Mike Ober

## **OCCUPATIONS & PROFESSIONS STAFF**

Adriana Lang, Board Administrator  
Wendy Satterly, Division Supervisor  
Claude Wagner, Division Director

## **OTHERS PRESENT**

Diane Fleming, Attorney  
Gary Tinker  
Bill Lilly  
John Logdon  
Donna Wakefield

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## **CALL TO ORDER**

The Chairman, Mr. Rick Hessig, called the meeting to order at 1:10 p.m.

## **APPROVAL OF MINUTES**

The minutes of the September 6, 2007 meeting were called to the attention of the members. A motion was made by Mr. Jim Ringo to approve the minutes as amended, the motion seconded by Mr. Mike Ober, carried.

## **FINANCIAL STATEMENT**

The Board reviewed the Financial Statement indicating a balance of \$87,293.89 from July 1, 2007 to August 31, 2007 and \$87,630.72 from July 1, 2007 to September 30, 2007. A motion was made by Mr. Jim Ringo to accept the Financial Statement. Motion, seconded by Mr. Mike Ober, carried.

## **COMPLAINT COMMITTEE**

07-001- Mr. Jim Ringo made a motion to authorize Ms. Diane Fleming to send a letter of dismissal to one of the licensees. The motion, seconded by Mr. Roger McDonald, carried. The complaint committee stated that they would continue the review at the next scheduled Complaint Committee Meeting.

Mr. Roger McDonald made a motion to dismiss complaint number 07-002. The motion, seconded by Mr. Mike Ober, carried. The Board requested Ms. Diane Fleming to notify the complainant that the complaint is dismissed, and to send a cease and desist letter, to the defendant.

## **LICENSURE STATUS**

The Board reviewed the Licensure Report of November 1, 2007.

## **ATTORNEY REPORT- LEGAL MATTERS**

Ms. Diane Fleming informed the Board that she did not file the injunctions against Whitehall Bureau and Brian Finney because she did not have their physical address, and that she only had their post office box address. She stated that for that reason, she was unable to file the injunctions. Mr. Rick Hessig stated that he would research a physical address and would e-mail it to Ms. Fleming before the next meeting.

Mr. Roger McDonald made a motion to approve as amended the 201 KAR 41:040 Fees. The motion, seconded by Mr. Jim Ringo, carried.

Mr. Roger McDonald made a motion to approve as amended the 201 KAR 41:070 Continuing Professional Education Requirements. The motion, seconded by Mr. Jim Ringo, carried.

**ATTORNEY REPORT-LEGAL MATTERS CONTINUED**

Mr. Roger McDonald made a motion to approve as amended the 201 KAR 41:065 Inactive Status. The motion, seconded by Mr. Jim Ringo, carried.

Mr. Roger McDonald made a motion to approve as amended the 201 KAR 41:060 Renewal and Reinstatement Procedures. The motion, seconded by Mr. Jim Ringo, carried. The Board requested Ms. Diane Fleming to file with the LRC the drafted regulations that was approved on today's meeting.

Mr. Mike Ober made a motion to authorize the Board administrator to add on the renewal forms the inactive and reactivation status options. The Motion seconded by Mr. Roger McDonald, carried. The Board requested their administrator to forward the amended renewal forms to Ms. Fleming for her to file them with the regulations.

Mr. Jim Ringo made a motion to authorize the travel for Mr. Rick Hessig to come to the Board office to sign the regulations. The motion, seconded by Mr. Mike Ober, carried.

Ms. Diane Fleming informed the after checking with Mr. Ryan Halloran she discovered that the attorney's correspondences have not been mailed. The correspondences are to Ms. Barbara Payton, George Nemecek/ Rusty James, Diane Paterson/ Tony Carter, Michael Kessler, Rodney Brock/ Inspectaclaim, Mike Worley and Thomas Welby. Ms. Fleming stated that she would review her files again and mail those correspondences before the next Board meeting.

Ms. Fleming presented the Board with the Attorney General's Opinion of the Bona Fide employees of an attorney firm KRS 329A.070.

Ms. Diane Fleming provided the Board an update on the ongoing hearings requests for the licensees that failed to provide proof of insurance.

Ms. Diane Fleming informed the Board that she received a telephone call from the McCracken County Commonwealth Attorney regarding two individuals practicing as private investigators without holding a Kentucky license. The Board requested Ms. Fleming to contact the attorney and provided him an update, and to send the two individuals Cease and Desist letters.

**DIRECTOR'S REPORT**

Mr. Claude Wagner presented the Board a draft of a Frequently Asked Questions and a Fee Schedule for the website. The Board approved and requested Mr. Wagner place on the website the FAQ and the fee schedule.

Mr. Claude Wagner presented the Board the current budget allotment of \$64,200.00 and the requested allotment of \$80,000.00

**OLD BUSINESS**

The Board reviewed a correspondence regarding the IASIR 2007 Conference. Mr. Hessig informed the Board that he decided not to attend the IASIR 2007 Conference.

The Board reviewed a hearing request from Mr. Robert Wilson. The Board approved Ms. Diane Fleming to set forth a hearing for Mr. Wilson.

**NEW BUSINESS**

The Board reviewed correspondence from Theodore G. Seaman, requesting to place license number KYPI-0307 on an inactive status. Mr. Mike Ober made a motion to approve Mr. Seaman's license to be placed on an inactive status. The motion, seconded by Mr. Roger McDonald, carried.

The Board reviewed an e-mail from Mr. Norman Williams regarding Truth Finder Investigations and Shawn Kessler, working in the Commonwealth of Kentucky as private investigators without holding a license. Mr. Mike Ober made a motion for Ms. Diane Fleming send a Cease and Desist letter to Truth Finder Investigations and Shawn Kessler. The motion, seconded by Mr. Jim Ringo, carried. The Board requested Ms. Fleming to provide a case update to Mr. Norman Williams.

**NEW BUSINESS CONTINUED**

The Board reviewed an e-mail from Tracy Leonard regarding the license requirements for fire investigators. The Board requested their administrator to send an e-mail in response to Mr. Leonard, stating that fire investigators are required to be licensed and certified pursuant KRS 329A.095 (2).

The Board reviewed an e-mail from Mr. James Skees regarding the licensure requirements for computer forensics professionals. The Board requested their administrator to send an e-mail in response to Mr. Skees, stating that according to the position description provided, the computer forensics professionals are required to hold a private investigator license to practice in the Commonwealth of Kentucky.

The Board reviewed a correspondence from Mr. Mathew Smith requesting continuing education credits for the National Society of Professional Insurance Investigators (NSPII). The Board approved 12 hours of continuing education for the NSPII Advanced Insurance Fraud Seminar on November 12-13, 2007. The Board requested their administrator to send a letter in response to Mr. Smith to let him know that his request is approved and that continuing education provided, sponsored, or approved by the associations listed in the regulations are automatically approved and do not require a review by the Board..

The Board reviewed a correspondence from Audrey Combs regarding the licensure requirements and exemptions for an employee of an attorney firm. The Board requested Ms. Diane Fleming to send a letter to Ms. Combs' employer,, asking him to confirm that Ms. Combs is a Bona Fide employee of his law firm.

The Board reviewed a correspondence from Mr. Theodore Seaman requesting his license to go in an inactive status. Mr. Mike Ober made a motion to approve an inactive status for Mr. Seaman's private investigator license number 0307. The motion, seconded by Mr. Roger McDonald, carried.

The Board reviewed an e-mail from the fiscal section stating that effective October 1, 2007 the mileage reimbursement is .43 cents per mile.

The Board reviewed and accepted a correspondence from the Attorney General's Office stating that their rate for legal services will be increased to \$125.00 per hour beginning July 1, 2008.

**APPLICATION REVIEW COMMITTEE**

The Chairman, Mr. Rick Hessig, gave the following report from the Application Review Committee. The Board accepted Mr. Hessig report as follows:

INDIVIDUAL APPROVED RECIPROCAL: *Fred Page.*

INDIVIDUALS APPROVED WITH PROVISIONS: *Daniel Clarkson, Ricky Cochrane, James Enos, Jill Faughn, Kevin McClain, Paul McMahan, Charlene Moriarty, Gregory Myrick, Bryon Richardson, William Whitenack and Donna Wakefield.*

INDIVIDUALS DEFERRED:

The Board deferred *Dale Adkins* to provide proof of current national certification from the National Association of Fire Investigators or International Association of Arson Investigators.

The Board deferred Ron Kopp to provide a new application and a background check from the state of Tennessee.

COMPANY APPROVED WITH PROVISIONS: *Kevin McClain Investigations LTD and Collins & Tabor Investigations, LLC.*

RENEWAL APPROVED: *Carter Orwig*

INDIVIDUALS DENIED: *Rick Everroad, Gregory Cook, Kenneth Davis, James Goss and Kelly Mack.*

**TRAVEL AND PER DIEM**

A motion was made by Mr. Jim Ringo to approve payment of travel expenses and per diem compensation for eligible members in attendance at today's meeting. Motion, seconded by Mr. Roger McDonald, carried.

**ADJOURNMENT**

The Chairman, Mr. Rick Hessig, informed the Board that the next meeting is scheduled for Thursday, December 6, 2007, at 01:00 p.m., the Application Review Committee Meeting at 11:00 p.m., and the Complaint Committee Meeting at 10:00 a.m. Having no further business to be brought before the Board, a motion was made by Mr. Mike Ober to adjourn. Motion seconded by Mr. Jim Ringo, carried. The meeting adjourned at 5:00 p.m.

**APPROVED**